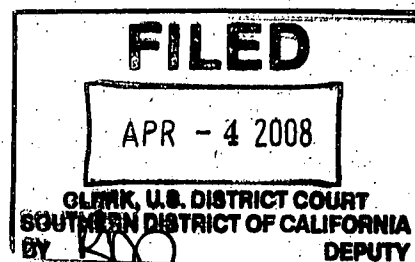


NAME Larry Jones E-17215	2254 <input checked="" type="checkbox"/> 1983
PRISON IDENTIFICATION/BOOKING NO. P.O. BOX 5004	FILING FEE PAID Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
ADDRESS OR PLACE OF CONFINEMENT Calipatria, CA. 92233	HYP MOTION FILED Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.	COPIES SENT TO Court <input checked="" type="checkbox"/> ProSe <input checked="" type="checkbox"/>



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LARRY VERNON JONES
FULL NAME (Include name under which you were convicted)
Petitioner,

v.

L.E. Scribner
NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER
Respondent.

CASE NUMBER:

CV **'08 CV 0623 JLS RBB**
To be supplied by the Clerk of the United States District Court

Will v. Alaska, 297 F3d 895, 897 th or
☐ First challenge AMENDED (2002)

PETITION FOR WRIT OF HABEAS CORPUS
BY A PERSON IN STATE CUSTODY
28 U.S.C. § 2254

PLACE/COUNTY OF CONVICTION
PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT
(List by case number)
CV
CV

INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are asking for relief from the conviction and/or the sentence. This form is your petition for relief.
2. In this petition, you may challenge the judgment entered by only one California state court. If you want to challenge the judgment entered by a different California state court, you must file a separate petition.
3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.
5. You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
5. You must pay a fee of \$5.00. If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out and sign the declaration of the last two pages of the form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your prison account exceeds \$25.00, you must pay the filing fee.
6. When you have completed the form, send the original and two copies to the following address:

Clerk of the United States District Court for the Central District of California
United States Courthouse
ATTN: Intake/Docket Section
312 North Spring Street
Los Angeles, California 90012

PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

1. ☐ a conviction and/or sentence.
2. ☐ prison discipline.
3. ☐ a parole problem.
4. ☒ other.

First challenge term computation of release date/Hill v. Alaska
9th Cir
(2002)

PETITION

1. Venue

- a. Place of detention Calipatria State Prison
- b. Place of conviction and sentence The superior court of Los Angeles county

2. Conviction on which the petition is based (a separate petition must be filed for each conviction being attacked).

- a. Nature of offenses involved (include all counts): sex crimes and robbery.
- b. Penal or other code section or sections: 289 288 A(C) 261 A(2) 286 (C) 203, 211
- c. Case number: Superior Ct # LA015282
- d. Date of conviction: _____
- e. Date of sentence: April 4 1994
- f. Length of sentence on each count: 78 yrs Total term
- g. Plea (check one):
 - ☒ Not guilty
 - ☐ Guilty
 - ☐ Nolo contendere
- h. Kind of trial (check one):
 - ☒ Jury
 - ☐ Judge only

3. Did you appeal to the California Court of Appeal from the judgment of conviction? ☐ Yes ☐ No

If so, give the following information for your appeal (and attach a copy of the Court of Appeal decision if available):

- a. Case number: B084730 2nd District court of appeal
- b. Grounds raised (list each):
 - (1) see record on appeal

- (2) _____
 (3) _____
 (4) _____
 (5) _____
 (6) _____

c. Date of decision: _____

d. Result _____

4. If you did appeal, did you also file a Petition for Review with the California Supreme Court of the Court of Appeal decision? ☒ Yes ☐ No

If so give the following information (and attach copies of the Petition for Review and the Supreme Court ruling if available):

a. Case number: see record on appeal for conviction

b. Grounds raised (list each):

- (1) These Grounds are for the 1st time via
 (2) _____
 (3) First challenge to term computation
 (4) TATION
 (5) _____
 (6) Hill v. Alaska 9th Cir 2002

c. Date of decision: _____

d. Result Affirmed N/A
(The conviction)

5. If you did not appeal:

a. State your reasons _____

b. Did you seek permission to file a late appeal? ☐ Yes ☐ No

6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction?

☐ Yes ☒ No (Hill v. Alaska) 9th Cir 2002

If so, give the following information for each such petition (use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available):

Ground I.

HAS C.D.C.R. calculated Petitioners release date correctly AND within Due Process when Petitioners term has been calculated off three Abstracts Amended and minute orders UNverified and not Authenticated in which Petitioner alleges Judicial Alterations and not Clerical Amendments alter petitioners legality of his confinement.

statement of facts

(see Exhibits,) Petitioners Amended Abstracts and minute orders violate Authenticity and Due process as Judicial moves were made which require defendants presence and notification to challenge the changes made without the required Due process to protect his liberty.

U.S.C.A. 5, 6, 8, 14th Due Process

Ground 2

Has petitioners release date been altered
 and petitioners Due Process violated when C.D.C.R.
 moves, alters A count from petitioners Abstract of Judgment
 to create randomly A base term not ordered in
 petitioners sentencing transcripts. This new base term
 calculated among the remaining terms to create his
 release date.

(see exhibit) Legal status summary sheet.

count 10 mayhem has been selected as petitioners
 base term. 4 plus 74 yrs of enhancements.

whether loaded into computer this way or not,
 sentencing transcripts, see exhibits specifically point out
 that count 1 is the base term, Pen code (289)

(Exhibit) sentencing transcripts and Abstract of Judgment

U.S.C.A. 5, 6, 8, 14. Due Process

Ground 3

Has petitioners term been calculated in error and petitioners release date in error when C.D.C.R. uses A count in the information whose enhancement was stricken and later reinstated and stayed off the record in violation of Due Process and which makes petitioners term and term calculation to be in error.

Statement of Facts.

The sentencing court sentenced petitioner to state prison on count 10, 4 years with enhancement stricken (see sentencing transcript) attached on September 13 1998 without a court reporter, sentencing judge ordered and sent to C.D.C.R. a minute order used to calculate petitioners term AN UNVERIFIED order from the court of appeal to stay the enhancement on count 10 under 684. This is a violation of Due Process as this act UNVERIFIED, unreported and without the presence of defendant seriously alters petitioners term and authenticity of his documents.

U.S.C.A. 5, 6, 8, 14th Due Process

Ground 4

HAS C.D.C.R. followed policy in Receiving sentencing documents per Amended Abstracts, sentencing transcripts from the court reporter of the day and certified filed minute orders and amended abstracts certified being ~~and~~ filed as orders from the court in Judging, classifying, and calculating petitioners term?

statement of facts

see exhibits,

Several of petitioners documents do not have filed stamps or certified stamps or the requisite signatures in which C.D.C.R. Policy Mandates to record Petitioner legally incarcerated in C.D.C.R. system. upon arrival into C.D.C.R. All commitment documents have to coincide with Due Process and originate from Due Process bred proceedings to be valid.

U.S.C.A. 5, 6, 8, 14

Due Process

Jurisdiction

This petition concerns petitioner being confined illegally in this southern district.

Petitioner cites Hill v. Alaska (9th cir 2002) on the face of the petition and he claims that his release date has been calculated in error and he is being held in violation of federal law from a state judgement in this jurisdiction. All grounds pertain to first term challenge.

Dunn v. Henman (9th cir 1989)

Russo v. Newland 2000 W.L. 1948921 (N.D. CAL)

McKnight v. Foreman 1997 W.L. 50267 (N.D. CAL)

(7) Was an evidentiary hearing held? ☐ Yes ☐ No

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction? ☐ Yes ☐ No

If so, give the following information (and attach a copy of the petition if available):

- (1) Name of court: _____
 (2) Case number: _____
 (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____
 (4) Grounds raised (list each):
 (a) _____
 (b) _____
 (c) _____
 (d) _____
 (e) _____
 (f) _____

11. Are you presently represented by counsel? ☐ Yes ☒ No

If so, provide name, address and telephone number: _____

WHEREFORE, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.
 Petitioner prays for relief deemed appropriate as he is in custody in violation of Federal Law. (A Tawnsand v. said Evidentiary Hearing.)

(Release and discharge from state custody)

 Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

April 2 2008
 Date

Rarry Jones
 Signature of Petitioner

Exhibits

Abstracts of Judgement

Minute orders

Legal status summary sheet

Term calculation sheets

Exerpts of Appeal transcripts Account

of Petitioners original sentencing

motion for appointment of counsel

ABSTRACT OF JUDGMENT - PRISON COMMITMENT APR 22 1994

FORM DSL 290

94 APR 27 AM 7:27
ENTERED INTO OBIS

[illegible][illegible]

5. OTHER ORDERS THE CRT ORDERS DEFT BE TESTED FOR THE AIDS VIRUS PURS TO 1202.1 PC.

D. EXECUTION OF SENTENCE IMPOSED: 78

A. ☒ AT INITIAL SENTENCING HEARING B. ☐ AT RESENTENCING PURSUANT TO DECISION ON APPEAL C. ☐ AT REVOCATION OF PROBATION D. ☐ AT RESENTENCING PURSUANT TO RECALL E. ☐ OTHER _____

11. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

<input checked="" type="checkbox"/> FORTHWITH	INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION/GUIDANCE CENTER LOCATED AT:	<input type="checkbox"/> CALIF. INSTITUTION FOR WOMEN - FRONTIERA	<input type="checkbox"/> CALIF. MEDICAL FACILITY - VACAVILLE	<input checked="" type="checkbox"/> CALIF. INSTITUTION FOR MEN - CHINO	<input type="checkbox"/> DEUEL VOC. INST.
<input type="checkbox"/> AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS		<input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> SAN QUENTIN		

DEPUTY'S SIGNATURE

4-19-94

ABSTRACT OF JUDGMENT - PRISON COMMITMENT
FORM DSI 290

Pgm.C. 1213.5

Form Adopted by the
Judicial Council of California
Effective April 1, 1992

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DISTRIBUTION:

ABSTRACT OF JUDGMENT - PRISON COMMITMENT

FORM DSL 290

☒ SUPERIOR
☐ MUNICIPAL
☐ JUSTICE } COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

COURT (I.D.) 190007 BRANCH OR JUDICIAL DISTRICT: NORTHWEST

PEOPLE OF THE STATE OF CALIFORNIA versus
DEFENDANT: JONES, LARRY VERNON ☒ PRESENT LA015282 - A
AKA: JONES, LAWRENCE VERNON ☐ NOT PRESENT - B
- C
- D
- E

COMMITMENT TO STATE PRISON
ABSTRACT OF JUDGMENT 09-13-95 AMENDED ABSTRACT ☒

DATE OF HEARING (MO) (DAY) (YR) 04-04-94 DEPT. NO. NW E JUDGE SANDY KRIEGLER CLERK M. CRUZAT

REPORTER A. FENNER COUNSEL FOR PEOPLE K. CADY COUNSEL FOR DEFENDANT M. GOTTLIEB, DPD PROBATION NO. OR PROBATION OFFICER X 215946

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY/MISDEMEANORS):

☒ ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT 1 (NUMBER OF PAGES)

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY			SENTENCE RELATION	PRINCIPAL OR CONSECUTIVE TIME IMPOSED
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA		
1	PC	289	PENITRN FORG OBJ	93	03	02	94	X			M	6
2	PC	288A(C)	FORCE ORAL COP	93	03	02	94	X			M	6
3	PC	261(A)(2)	FORCE RAPE	93	03	02	94	X			M	6
4	PC	286(C)	SODOMY BY FORCE	93	03	02	94	X			M	6
5	PC	261(A)(2)	FORCE RAPE	93	03	02	94	X			M	6

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.:
For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Count	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
1	12022.8	5									5
4	12022.8	5									5

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER:

List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total
667(A)	5	667(A)	S							5
Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total

4. INCOMPLETED SENTENCE(S) CONSECUTIVE:

COUNTY	CASE NUMBER	CREDIT FOR TIME SERVED

5. OTHER ORDERS

THE COURT ORDERS DEFT TO BE TESTED FOR THE AIDS VIRUS PURS TO 1202.1 PC.

Use additional sheets of plain paper if necessary.

6. TOTAL TIME IMPOSED ON ALL ATTACHMENT PAGES (FORM DSL 290-A):

7. TIME STAYED TO COMPLY WITH 5-YEAR OR 10-YEAR LIMIT ON SUBORDINATE TERMS, DOUBLE-BASED-TERM LIMIT, ETC. (Do not include § 654 stays or discretionary stays of term for enhancements.)	33
8. TOTAL TERM IMPOSED:	78

9. EXECUTION OF SENTENCE IMPOSED:

A. ☒ AT INITIAL SENTENCING HEARING B. ☐ AT RESENTENCING PURSUANT TO DECISION ON APPEAL C. ☐ AFTER REVOCATION OF PROBATION D. ☐ AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(g)) E. ☐ OTHER _____

10. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR)	CREDIT FOR TIME SPENT IN CUSTODY	TOTAL DAYS	ACTUAL LOCAL TIME	LOCAL CONDUCT CREDITS	STATE INSTITUTIONS
<u>04-04-94</u>	<u>302</u>	<u>302</u>	<u>202</u>	<u>100</u>	<input type="checkbox"/> DMH <input type="checkbox"/> CDC

11. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT:
☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS

☐ CALIF. INSTITUTION FOR WOMEN - FRONTERA ☐ CALIF. MEDICAL FACILITY - VACAVILLE ☒ CALIF. INSTITUTION FOR MEN - CHINO ☐ DEUEL VOC. INST.

☐ OTHER (SPECIFY) _____

I hereby certify the foregoing to be a correct abstract of the judgment made in this case.

DEPUTY'S SIGNATURE

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determining sentences. Attachment may be used but must be referred to in this document.

Form Adopted by the
Judicial Council of California
Effective April 1, 1992

ABSTRACT OF JUDGMENT - PRISON COMMITMENT

FORM DSL 290

Pen.C. 1213.5

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994
 HONORABLE: SANDY R. KRIEGLER
 J ROUND

JUDGE
 Deputy Sheriff

M CRUZAT
 G GORKOS

Deputy Clerk
 Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA
 VS

Counsel for People:

DEPUTY DISTRICT ATTY: K CADY

01 JONES, LARRY VERNON
 AKA 01 JONES, LAWRENCE VERNON

Counsel for Defendant: M GOTTLIEB DPD

261.A2 3 cts 289 1 ct 288a(c) 2 cts
 286(c) 3 cts 203 1 ct 245(A)(1) 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

Trial, continued from March 1, 1994, resumes with counsel, defendant and jurors present.

At 9:10 a.m., the Court unseals the envelope containing the verdicts and the following verdicts are read:

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES guilty of ANAL OR GENITAL PENETRATION BY A FOREIGN OBJECT, in violation of Penal Code Section 289, a Felony, as charged in Count One of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994 /s/ Robert A. Rivard/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES guilty of FORCIBLE ORAL COPULATION, in violation of Penal Code Section 288a(c), a Felony, as charged in Count Two of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section 261(a)(2), a felony, as charged in Count Three of the information.

We further find the allegation that the defendant LARRY VERNON JONES, inflicted great bodily injury upon the victim, TERRY MARIE JIM, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ ROBERT A. RIVARD/s/ FOREMAN"

MINUTE ORDER

MINUTES ENTERED

3-2-94
 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE M CRUZAT
Deputy Sheriff G GORKOSDeputy Clerk
Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

K CADY ✓

01 JONES, LARRY VERNON ✓

AKA 01 JONES, LAWRENCE VERNON

Counsel for Defendant:

M GOTTLIEB DPD ✓

261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the defendant LARRY VERNON JONES, guilty of SODOMY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Four of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terry Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994/s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section 261(a)(2), a felony, as charged in Count Five of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A RIVARD/s/, Foreman"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of SODOMY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Six of the information.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of FORCIBLE RAPE, in violation of Penal Code Section

MINUTES ENTERED

3-2-94
COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
G GORKOSDeputy Clerk
Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

K CADY ✓

01 JONES, LARRY VERNON ✓

AKA 01 JONES, LAWRENCE VERNON

Counsel for Defendant:

M GOTTLIEB DPD ✓

261.A2 3 cts 289 1 ct 288a(c) 2 cts

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

261(a)(2), a felony, as charged in Count Seven of the Information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994/s/ROBERT A. RIVARD/s/ Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of SODOY BY USE OF FORCE, in violation of Penal Code Section 286(c), a felony, as charged in Count Eight of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terry Marie Jim, within the meaning of Penal Code Section 12022.8 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/ Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant, LARRY VERNON JONES, guilty of FORCIBLE ORAL COPULATION, in violation of Penal Code Section 288a(c), a felony, as charged in Count Nine of the information.

We further find the allegation that the defendant, LARRY VERNON JONES, inflicted great bodily injury upon the victim, Terri Marie Jim, within the meaning of Penal Code Section 12022.8 to be NOT TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of MAYHEM, in violation of Penal Code Section 203, a Felony

MINUTES ENTERED

3-2-94

COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: MARCH 2, 1994
 HONORABLE: SANDY R. KRIEGLER
 J ROUND

JUDGE
 Deputy Sheriff

M CRUZAT
 G GORKOS

Deputy Clerk
 Reporter

LA 015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

K CADY

01 JONES, LARRY VERNON

AKA 01 JONES, LAWRENCE VERNON

261.A2 3 cts 289 1 ct 288a(c) 2 cts Counsel for Defendant: M GOTTLIEB DPD

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NATURE OF PROCEEDINGS

JURY TRIAL

REM

11-3-93

as charged in Count Ten of the information.

We further find the allegation that in the commission of the above offense the said defendant, LARRY VERNON JONES, with the intent to inflict such injury, personally inflicted great bodily injury upon Terri Marie Jim, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/ Foreperson"

STRICKEN
 FOR
 SIGNED

TITLE OF COURT AND CAUSE

"We, the Jury in the above-entitled action, find the Defendant LARRY VERNON JONES, guilty of ASSAULT BY MEANS OF FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, in violation of Penal Code Section 245(a)(1), a Felony, as charged in Count Eleven of the information.

We further find the allegation that in the commission of the above offense, the said defendant, LARRY VERNON JONES, with the intent to inflict such injury, personally inflicted great bodily injury upon Terri Marie Jim, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7 to be TRUE.

This 1 day of March, 1994 /s/ROBERT A. RIVARD/s/, Foreperson"

Re-reading of the verdicts as recorded is waived. The jury is polled and all answer in the affirmative as to all counts. The jury is thanked and discharged. All verdicts and instructions given, ~~some~~ refused ~~and~~ (withdrawn) and are filed.

Matter re: priors is called for trial. People's Exhibit 7 (6 pages-Department of Corrections records) is marked for identification only then admitted in evidence. People rest. Defense rests. Matter is submitted. Court finds the allegation pursuant to Penal Code SECTION 667(a) and the allegation under Penal Code Section 667.5(b) to be TRUE.

Probation and Sentence is set April 4, 1994 at 8:30 a.m. in this department. Defendant waives further probation referral. Time is waived. Defendant and counsel are ordered to return.

MINUTES ENTERED

3-2-94

COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date:
HONORABLE:APRIL 4, 1994
SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
A FENNERDeputy Clerk
Reporter

LA 015282-01 (Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

VS

01 JONES, LARRY VERNON

AKA 01 JONES, LAWRENCE VERNON

261.A2 3 cts 289 1 ct 288a(c) 2 cts

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

Counsel for People:

DEPUTY DISTRICT ATTY:

K CADY

Counsel for Defendant:

M GOTTLIEB DPD

X 215946

NATURE OF PROCEEDINGS

P&S

REM

11-3-93

Probation denied. Sentence imposed as follows:

Imprisoned in state prison for a total of 78 years.

Court selects the midterm of 6 years in count one plus 5 years consecutive pursuant to Penal Code Section 12022.8.

Plus midterm of 6 years as to count 2 to run consecutive to count 1.

Plus midterm of 6 years as to count 3 to run consecutive to count 1.

Plus midterm of 6 years as to count 4 to run consecutive to count one plus 5 years consecutive pursuant to Penal Code Section 12022.8.

Plus midterm of 6 years as to count 5 to run consecutive to count one.

Plus midterm of 6 years as to count 6 to run consecutive to count one.

Plus midterm of 6 years as to count 7 to run consecutive to count one.

Plus midterm of 6 years as to count 8 to run consecutive to count one.

Plus 5 years consecutive pursuant to Penal Code Section 12022.8.

Plus midterm of 6 years as to count 9 to run consecutive to count one.

Plus midterm of 4 years as to count 10 to run consecutive to count one.

Court strikes the great bodily injury allegation pursuant to Penal Code Section 12022.7 for purposes of sentencing only.

Plus midterm of 3 years as to count 11 to run concurrent with count ten.

Court strikes great bodily injury allegation pursuant to Penal Code Section 12022.7 for purposes of sentencing only. Sentence in count 3 - is stayed pursuant to Penal Code Section 654- stay to become permanent upon completion of the sentence in count 10.

see memo
4/19

Minute Pro Time 4-19-94

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date:
HONORABLE:APRIL 4, 1994
SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy SheriffM CRUZAT
A FENNERDeputy Clerk
ReporterLA 015282-01
PEOPLE OF THE STATE OF CALIFORNIA

(Parties and counsel checked if present)

VS
01 JONES, LARRY VERNON
AKA 01 JONES, LAWRENCE VERNONCounsel for People:
DEPUTY DISTRICT ATTY:

K CADY

261.A2 3 cts 289 1 ct 288a(c) 2 cts
286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

Counsel for Defendant:

M GOTTLIEB DPD

Y 215946

NATURE OF PROCEEDINGS

P&S

REM

11-3-93

Plus 5 years consecutive pursuant to Penal Code Section 667(a) prior allegation.

Court strikes the allegation pursuant to Section 667.5(b) Penal Code for purposes of sentencing only.

Court orders that defendant be tested for aids virus pursuant to Penal Code Section 1202.1.

Defendant is ordered to pay \$200.00 restitution pursuant to Government Code Section 13967(a).

Defendant given total credit 302 days in custody (202 actual days in custody plus 100 days good time/work time).

Defendant is advised of appeal rights.

01 REM

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DEPT. NWE

Date: APRIL 19, 1994
 HONORABLE: SANDY R. KRIEGLER
 J ROUND

JUDGE
 Deputy Sheriff

M CRUZAT
 NONE

Deputy Clerk
 Reporter

LA015282-01

(Parties and counsel checked if present)

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for People:

VS

DEPUTY DISTRICT ATTY:

01 JONES LARRY VERNON

~~EXXMA~~ K CADY

AKA 01 JONES LAWRENCE VERNON

Counsel for Defendant:

261.A2 3 cts 289 1 ct 288a(c) 2 cts

M GOTTLIEB DPD

286(c) 3 cts 203 1 ct 245(a)(1) 1 ct

NO APPEARANCES

NATURE OF PROCEEDINGS

NUNC PRO TUNC ORDER

IT APPEARING TO THE COURT THAT THROUGH INADVERTENCE AND CLERICAL ERROR, THE MINUTE ORDER DATED APRIL 4, 1994 DOES NOT PROPERLY REFLECT THE ORDER OF THE COURT; SAID MINUTE ORDER IS CORRECTED NUNC PRO TUNC AS FOLLOWS:

BY DELETING:

"SENTENCE IN COUNT 3 IS STAYED PURSUANT TO PENAL CODE SECTION 654-STAY TO BECOME PERMANENT UPON COMPLETION OF THE SENTENCE IN COUNT 10."

BY SUBSTITUTING:

"SENTENCE IN COUNT 11 IS STAYED PURSUANT TO PENAL CODE SECTION 654-STAY TO BECOME PERMANENT UPON COMPLETION OF THE SENTENCE IN COUNT 10."

NUNC PRO TUNC ORDER

IT APPEARING TO THE COURT THAT THROUGH INADVERTENCE AND CLERICAL ERROR, THE MINUTE ORDER DATED FEBRUARY 24, 1994 DOES NOT PROPERLY REFLECT OF THE ORDER OF THE COURT; SAID MINUTE ORDER IS CORRECTED NUNC PRO TUNC AS FOLLOWS:

BY ADDING: "On People's motion, the information is amended by interlineation as follows: by reflecting count 12 in the information as the new count 11."

MINUTES ENTERED

4-19-94
 COUNTY CLERK

MINUTE ORDER

DEPT NW"E"

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: September 13, 1995

HONORABLE: SANDY R. KRIEGLER
J ROUNDJUDGE
Deputy Sheriff
Court AttendantM CRUZAT
NONEDeputy Clerk
Reporter

LA015282-01

People of the State of California
vs.(Parties and counsel checked if present)
Counsel for People:
Deputy District Attorney:01 JONES, LARRY VERNON
AKA 01 JONES LAWRENCE VERNON
261.A2 3 CTS 289 1 CT 288A(C) 2 CTS
286(C) 3CTS 203 1 CT 245.(a) (1) 1 CT
NO APPEARANCES

NATURE OF PROCEEDINGS

COURT ORDER TO AMEND ABSTRACT OF JUDGMENT

REM

--

Good cause appearing, the abstract of judgment is ordered amended as follows:

In Count 10, court orders the great bodily injury allegation under Penal Code Section 12022.7 stayed under Penal Code Section 654 as directed by the Court of Appeal.

The Judgment Clerk is ordered to prepare an Amended Abstract of Judgment and send a copy to the Department of Corrections, district attorney Kathy Cady and public defender Michael Gottlieb.

RECEIVED
CLERK OF SUPERIOR COURT
LOS ANGELES
SEP 13 1995

RECEIVED
CLERK OF SUPERIOR COURT
LOS ANGELES
SEP 13 1995

RECEIVED
CLERK OF SUPERIOR COURT
LOS ANGELES
SEP 13 1995



01 REM

MINUTE ORDER

DEPT. NW"E"

MINUTE ORDER ENTERED
9/13/95
CLERK, SUPERIOR COURT

LEGAL STATUS SUMMARY TYPE- D CAL ** DISCREPANT **07/23/2007 21:35

CDC NUMBER	NAME	ETHNIC	BIRTHDATE
E17215	JONES, LARRY	BLA	07/04/1966

ACA JONES, LARRY, VERNON

TERM STARTS	MAX REL DATE	MAX ADJ REL DT	CURRENT REL DT
04/27/1994	05/28/2071	05/28/2071	01/20/2065

BASE TERM	4/00 + ENHCMNTS	74/00 = TOT TERM	78/00	PARDLE PERIOD	3 YRS
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PRE-PRISON + POST SENTENCE CREDITS

CASE	P2900-5	P1203-3	P2900-1	CRC-CRED	MH-CRED	P4019	P2931	POST-SENT	TOT
LA015282	202					100		22	324

REGISTRATION REQUIRED PER P290

PC296 DNA COMPLETED

NOTIFICATION REQUIRED PER P3058.6

RECV DT/ CNT	COUNTY/ OFF-CODE	CASE DESCRIPTION	SENTENCE DATE	CREDIT CODE	OFFENSE DATE
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CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

--CONTROLLING CASE --

4/27/1994	LA	LA015282	4/04/1994		
		01 P667(A)	01 PFC SERIOUS	1	
10	P203	MAYHEM		1	09/11/1993
01	P287(A)	RAPE FOREIGN OBJ	CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1	
02	P288A(C)	ORAL COP W/FO	CS	1	09/11/1993
03	P261(2)	RAPE/RESIST F/V	CS	1	09/11/1993
04	P286(C)	SOD W/FO	CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1	
05	P261(2)	RAPE/RESIST F/V	CS	1	09/11/1993
06	P286(C)	SOD W/FO	CS	1	09/11/1993
07	P261(2)	RAPE/RESIST F/V	CS	1	09/11/1993
08	P286(C)	SOD W/FO	CS	1	09/11/1993
		P12022.8	01 GBI SEX CRIME	1	
09	P288A(C)	ORAL COP W/FO	CS	1	09/11/1993

WITIP WAIVER DATE	BEGINNING BALANCE	CREDIT APPLIED	TOTAL LOST	TOTAL RESTORED	NET TOTAL
04/27/1994	2409	2965	766	120	2319

CREDITS AUTO RE-VESTED PER PC-2934 : 11

TRAN TYPE	DATE	END DATE	LOG NUMBER	RULE NUMBER	VIOL CAT	DAYS
-----------	------	----------	------------	-------------	----------	------

***** CONTINUED *****

CHRONOLOGICAL HISTORY

CDC 112 (9-83)

Date	Chronological Listings	Initials	Dead Time	Release Date
11-21-97	WC LOSS <u>181</u> OF DAYS, LOG # <u>9710012</u> DATED <u>10-2-97</u>	PC	EPRD	6-15-2046
DEC 23 1997	REC'D CSP-CORCORAN	MB		
9-17-98	Intake audit. PC 290 preregistration not required. Date change due to D2 time from 10-7-97 to 5-22-98. WCG thru 9-16-98 @ A2	JB	EPRD	10-28-2046
11/25/98	WCL, 120 days, # 389811009, dtd 11/4/98	Dm	EPRD	1/16/2049
6-22-99	AI effective 6-22-99	CMB	EPRD	2-24-2035
9-2-99	Transfer Audit Reviewed for compliance with PC 296	CMB		
SEP 08 1999	Rec'd HOSP	SP		
10-22-99	INTAKE AUDIT	PC		
10-22-99	Reviewed for Compliance with PC 296 / Credit Code review	PC		
5-12-2000	WCG THRU <u>4-30-2000</u> , 6 MONTH	PC	EPRD	2-24-2035
12-7-00	WCG THRU <u>11-30-00</u> , 6 MONTH	PC	EPRD	2-24-2035
6-21-01	WCG THRU <u>5-31-01</u> , 6 MONTH	SP	EPRD	2-24-2035
10-30-01	WC RESTORE OF <u>30</u> DAYS, LOG # <u>9602035</u> , CHRONO <u>10-25-01</u>			
	WC RESTORE OF <u>90</u> DAYS, LOG # <u>9603012</u> , CHRONO <u>10-25-01</u>			
12-21-01	Transfer Audit	SP	EPRD	12-26-34
12/27/2001	Rec'd CCI-TV	SP	EPRD	12-27-34
3-19-2002	INTAKE AUDIT, WCG thru 2-28-2002 @ A'	gb	EPRD	12-27-2035
3-19-2002	Notice requested per 3058.6	gb		
3-19-2002	P3060.7 Supervision Case	gb		
10-3-02	Six month work credit gain. Credit applied through <u>9-30-02</u>	PC	EPRD	12-27-2034
3-26-03	RECEIVED CSP-CORCORAN	SP		
Number E17215	Name JONES, Larry			Page 10

CDC 112 (9-83)

Number	Name	Page
E-17215	Jones, Larry	1-d

STATE OF CALIFORNIA

CHRONOLOGICAL HISTORY

DEPARTMENT OF CORRECTIONS

CDC 112 (9-83)

Date	Chronological Listings	Initials	Dead-Time	Release Date
10-21-93	SB16 Audited - Ineligible	WCC	RRD	9-15-94
4-28-94	Rec'd CCI-RC	PVW/IT	MCDD	7-4-95
5-16-94	PROCESS AUDIT	EBL	DR	N/A
	RESTITUTION ORDERED PER		Amended	9-16-2015
	LA CO. CASE # LA05282, \$200 ⁰⁰	EBL		
MAY 24 1994	REC'D CALIFORNIA STATE PRISON			
JUN 10 1994	INTAKE AUDIT	Agg		
	WCG @ A ² thru 6-8-94;			
	NOTICE PURSUANT TO 3058.6 PC	ARR		
2-25-95	WCG AT A ² THRU 1-31-95.	ARR		
8-2-95	Transfer Audit			
04 AUG 1995	REC'D CSP-LAC			
9-1-95	EPRD recalculated WCG through 9-1-95 @ A1	CU	EPRD	4-27-2033
9-6-95	Intake Audit	CU		
9-29-95	Received amended Abstract of Judgment and modified Minute Order in Los Angeles Co. case LA015282 correcting sentencing errors on cts 10, 11. Total term unchanged	CU		
3-14-96	30 day WCL 9602035 (115 dated 2-14-96)			
	6 month WCG through 2-29-96 @ A1	CU	EPRD	5-21-2033
5-28-96	Rec'd HDSP	KID		
8-12-96	WCS thru 7-31-96, ^{at D1} WCL #96070015, -75	JT	EPRD	12-8-2041
8-13-96	Ohio update completed	JT		
8-19-96	WCL thru 7-3-96 at D1, WCL #9608012 -90	JT	EPRD	2-6-2046
2-8-97	WCL thru 1-31-97 Intake audit, 6 mo audit	W	EPRD	2-14-2046
8/26/97	WCG Thru 7/31/97 6 mo Gain	PC	EPRD	2-14-204

Number

Name

Page

E17215

Tomas Larri

16

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE OF THE STATE OF)	Court of Appeal No. B084730
CALIFORNIA,)	Superior Court No. LA015282
)	
Plaintiff-Respondent,)	
)	
v.)	
)	
LAWRENCE VERNON JONES,)	
)	
Defendant-Appellant.)	
_____)	

STATEMENT OF APPEALABILITY

This appeal is from a final judgment following a jury trial and is authorized by Penal Code section 1237.¹

STATEMENT OF THE CASE

Appellant, Lawrence Vernon Jones, was charged in an information filed November 3, 1993, in Count 1 with forcible anal or genital penetration by a foreign object (sec. 289 subd. (a)); in Counts 2 and 9 with forcible oral copulation (sec. 288(a) subd. (c)); in Counts 3, 5 and 7 with forcible rape (sec. 261 subd. (a)(2)); in Counts 4, 6 and 8 with forcible sodomy (sec. 286 subd. (c)); in Count 10 with mayhem (sec. 203); and in Count 11 with assault with intent to inflict great bodily injury (sec. 245 subd. (a)(1)). Counts 1, 2, 3, 4, 5, 7, 8 and 9 also alleged that appellant inflicted great bodily injury in the commission of the respective offenses (sec. 12022.8) and in Counts 10 and 11 that appellant personally inflicted great bodily injury (sec. 12022.7).

¹ All references are to the Penal Code unless otherwise indicated.

The information also alleged a serious felony prior (sec. 667 subd. (a)) and a prison prior (sec. 667.5 subd. (b)). The victim in all offenses was alleged to be Terri Marie Jim. All offenses were alleged to have occurred on or about September 11, 1993. (C.T.² 72-82)

On March 2, 1994, the jury found appellant guilty of all offenses as charged and found that appellant inflicted great bodily injury as alleged in Counts 1, 4 and 8. The jury found appellant personally inflicted great bodily injury in Counts 10 and 11. The jury found the great bodily injury allegations in Counts 2, 3, 5, 7 and 9 to be not true. (C.T. 196-200; R.T.³ 307-315)

On April 4, 1994, the court selected Count 1 as the base term and imposed the midterm of six years plus a consecutive five years for the great bodily injury enhancement; in Count 2 a consecutive midterm of six years; in Count 3 a consecutive midterm of six years; in Count 4 a consecutive midterm of six years plus a consecutive five-year sentence for the great bodily injury enhancement; in Count 5 a consecutive midterm of six years; in Count 6 a consecutive midterm of six years; in Count 7 a consecutive midterm of six years; in Count 8 a consecutive midterm of six years plus five years for the great bodily injury enhancement; in Count 9 a consecutive midterm of six years; in Count 10 a consecutive midterm of four years and struck the punishment for the great bodily injury enhancement. Pursuant to

² C.T. refers to the Clerk's Transcript.

³ R.T. refers to Reporter's Transcript.

section 654 the court stayed the sentence in Count 11. The court imposed a consecutive five years for the serious felony prior and struck the punishment for the prison prior for a total sentence of 78 years. (C.T. 212-216; R.T. 324-331)

Appellant filed a timely notice of appeal on April 28, 1994. (C.T. 217)

STATEMENT OF FACTS

In September, 1993, Thomas Jim⁴ was living with his wife, Terri Marie Jim, in North Hollywood. On September 10, or early September 11, 1993, Terri Marie left the house to get a pack of cigarettes at the store.⁵

On her way to the store, she was grabbed from behind by a black man, who she identified as appellant, near the railroad tracks. They fell to the ground (R.T. 72-73, 81) and fought for five to ten minutes, hitting each other in the head with rocks. (R.T. 74) Terri Marie got up to run but appellant caught her from behind. (R.T. 75) Appellant showed Terri Marie his arm and told her she had injured him. (R.T. 97) He took her to a couch that was by the side of the tracks, ripped her clothes off, and forced her to orally copulate him for five to ten minutes. Appellant inserted his finger and then his penis in her vagina, then sodomized her; and then again inserted his penis in her vagina.

⁴ At the time of his testimony, Jim was in custody after conviction for crimes of spousal abuse and assault on a police officer. (R.T. 42)

⁵ Thomas testified Terri Marie left around 11:00 p.m. (R.T. 43); Terri Marie testified the time was around 12:30 a.m. (R.T. 67).

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. SEC. 1746)

I, Larry Jones, DECLARE UNDER THE PENALTY OF PERJURY
THAT: I AM THE _____ IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 2 DAY OF April 2, 2008, AT CALIPATRIA
STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002

(SIGNATURE)

Larry Jones
(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I, Larry Jones, AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY
OF IMPERIAL, STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM
NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002,
CALIPATRIA, CALIFORNIA 92233-5002

ON April 2, 2008, I SERVED THE FOREGOING:

Habeas Corpus to District Court and Attorney General

(SET FORTH EXACT TITLE OF DOCUMENT(S) SERVED)

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE
(S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO
PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002

Office of the Attorney General

110 West "A" Street

SAN DIEGO, CA. Suite 1100

92101-5266

U.S.D.C. Southern District of Calif

4240 Edward J. Swartz

United States Courthouse

940 Front Street

SAN DIEGO CA. 92101

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO
ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE:

April 2, 2008,

Larry Jones
(DECLARANT/PRISONER)

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Larry Vernon Jones

LE Scribner

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Imperial

2008 1983
FILING FEE PAID
Yes No
MOTION FILED
Yes No
COPIES SENT TO
Court Fee

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

FILED
APR - 4 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Larry Vernon Jones
PO Box 5004
Calipatria, CA 92233
E-17215

'08 CV 0623 JLS RBB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of this State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act 20 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 790 Other Labor Litigation	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 4/4/2008

SIGNATURE OF ATTORNEY OF RECORD